

UNITED STATES COURT OF APPEALS

**Filed 6/26/96**

TENTH CIRCUIT

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LORENZO FUENTES JIMENEZ,

Plaintiff - Appellant,  
vs.

BILL R. STORY, Warden and unknown  
defendant,

Defendant - Appellee.

No. 95-1468  
(D.C. No. 95-S-2368)  
(D. Colo)

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ORDER AND JUDGMENT\*

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Before SEYMOUR, Chief Judge, KELLY, and LUCERO, Circuit Judges.\*\*

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Mr. Jimenez, an inmate appearing pro se, appeals from the dismissal of his civil rights complaint and action brought pursuant to 42 U.S.C. § 1983. Because his complaint seeks relief not limited to monetary compensation, and he has failed to comply with the administrative grievance procedure, see 28 C.F.R. § 542.10-.16 (1994), his claim is properly dismissed as he has failed to exhaust administrative remedies. See McCarthy v.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1.9. The cause is therefore ordered submitted without oral argument.

Madigan, 503 U.S. 140, 144-45 (1992). We additionally note that Mr. Jimenez's petition fails on the merits because the Sentencing Reform Act did not require a release as of October 31, 1992, as he contends.

AFFIRMED. We GRANT Mr. Jimenez's Motion for Leave to Proceed on Appeal Without Prepayment of Costs or Fees. The mandate shall issue forthwith.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge